

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF IOWA
WESTERN DIVISION**

UNITED STATES OF AMERICA,

Plaintiff,

vs.

GABRIEL R. GINGER,

Defendant.

No. 12-CR-4049-DEO

**ORDER ACCEPTING REPORT
AND RECOMMENDATION
CONCERNING GUILTY PLEA**

I. INTRODUCTION AND BACKGROUND

Before the Court is Magistrate Judge Leonard T. Strand's Report and Recommendation Concerning Guilty Plea (Docket No. 43, 01/30/2012).

On April 24, 2012, a one count Indictment (Docket No. 1) was returned in the above-referenced case. On January 30, 2013, Defendant Gabriel R. Ginger entered a guilty to plea to Count 1 before United States Magistrate Judge Leonard T. Strand.

Count 1 of the Indictment charges that from about 2010 and continuing through about August 2011, in the Northern District of Iowa, and elsewhere, the defendant, Gabriel R. Ginger, did knowingly and unlawfully combine, conspire, confederate and agree with other persons, known and unknown to the Grand Jury, to distribute 500 grams or more of a mixture

or substance containing a detectable amount of methamphetamine, a Schedule II controlled substance, which contained at least 50 grams of actual (pure) methamphetamine, a Schedule II controlled substance, in violation of Title 21, United States Code, Sections 841(a)(1) and 841(b)(1)(A).

This was in violation of Title 21, United States Code, Section 846.

The Report and Recommendation (Docket No. 43) states that there is a plea agreement (filed under seal at Docket No. 46), and recommends that defendant Gabriel R. Ginger's guilty plea be accepted. Waivers of objections to Judge Strand's Report and Recommendation were filed by each party (Docket Nos. 44 and 45). The Court, therefore, undertakes the necessary review to accept defendant Gabriel R. Ginger's plea in this case.

II. ANALYSIS

A. Standard of Review

Pursuant to statute, this Court's standard of review for a magistrate judge's Report and Recommendation is as follows:

A judge of the court shall make a de novo determination of those portions of the report or specified proposed findings or recommendations to which objection is made. A judge of the court may accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate [judge].

28 U.S.C. § 636(b)(1). Similarly, Federal Rule of Civil Procedure 72(b) provides for review of a magistrate judge's Report and Recommendation on dispositive motions and prisoner petitions, where objections are made as follows:

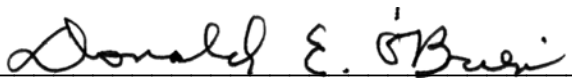
The district judge to whom the case is assigned shall make a de novo determination upon the record, or after additional evidence, of any portion of the magistrate judge's disposition to which specific written objection has been made in accordance with this rule. The district judge may accept, reject, or modify the recommendation decision, receive further evidence, or recommit the matter to the magistrate judge with instructions.

FED. R. CIV. P. 72(b).

As mentioned, waivers of objections to the Report and Recommendation have been filed, and it appears to the Court upon review of Magistrate Judge Strand's findings and conclusions that there are no grounds to reject or modify them.

IT IS THEREFORE HEREBY ORDERED that this Court accepts Magistrate Judge Strand's Report and Recommendation (Docket No. 43), and accepts defendant Gabriel R. Ginger's plea of guilty in this case to Count 1 Indictment (Docket No. 1).

IT IS SO ORDERED this 4th day of March, 2013.



Donald E. O'Brien, Senior Judge
United States District Court
Northern District of Iowa